



RPI ACT STATUTORY GUIDELINE 02/14

Carrying out resource activities in a Priority Agricultural Area

A guideline to assist in understanding when and how to apply for a Regional Interests Development Approval under the *Regional Planning Interests Act 2014* for proposed resource activities in a priority agricultural area



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A Priority Agricultural Area

A Priority Agricultural Area (PAA) is an area of regional interest under the *Regional Planning Interest Act 2014* (RPI Act) and is shown on a map in a regional plan or prescribed under the Regional Planning Interests Regulation 2014 (RPI Regulation) as a PAA.

PAA's are strategic areas, identified on a regional scale, which contain significant clusters of the region's high value intensive agricultural land uses. Within a PAA, high value intensive agricultural land uses are recognised as the priority land use over other proposed land uses. These uses are termed Priority Agricultural Land Uses (PALUs) and will be given priority in the consideration of applications for resource activities and regulated activities to ensure the continuation of the existing PALUs is not threatened.

It is acknowledged that not all land within a PAA is used as a PALU. This situation is recognised in the PAA Assessment Criteria. A PAA may also include other areas or features that are prescribed in a regulation, such as a regionally significant water source. The Condamine Alluvium is prescribed as a regionally significant water source under the RPI Regulation.

Through the RPI Act, the government is seeking to manage:

- the impact of resource activities on the priority agricultural area; and
- the coexistence of potentially competing activities in the priority agricultural area.

To achieve this, the RPI Act provides an assessment process to consider each proposed resource activity or regulated activity on its merits.

Restricted activities in the Priority Agricultural Area

The RPI Act restricts the carrying out of resource activities where the activity is not exempt from the provisions of the Act or a regional interests development approval has not been granted.

Resource activities include any activity for which a resource authority is required. Resource activities do not include the following:

- a prospecting permit under the *Mineral Resources Act 1989*
- a petroleum survey licence, a data acquisition authority, or a water monitoring authority under the *Petroleum and Gas (Production and Safety) Act 2004*.

Exempt activities in the Priority Agricultural Area

The RPI Act makes the following resource activities exempt from the provisions of the RPI Act where located in a PAA. Exempt activities do not require a regional interests development approval.

1. a resource activity carried out for less than one year (refer Section 23 of RPI Act)
2. a pre-existing resource activity (refer Section 24 of RPI Act).

A resource activity is considered to be pre-existing if, immediately before the land becomes land in an area of regional interest, the activity may be carried out lawfully on the land.

A resource activity can be carried out lawfully on land if:

- a) it is carried out under a resource authority or environmental authority; and
- b) the application for either authority adequately detailed the location, nature and/or extent of the expected surface impacts of the activity; and
- c) no further authority or approval is required to be obtained in relation to the location, nature or extent of the expected surface impacts of the activity.

3. Activities carried out with the agreement of the land owner (refer Section 22 of RPI Act). This exemption provides for resource activities in a PAA where:
- the applicant is not the owner of the land; and
 - the applicant has entered into a voluntary agreement with the land owner about the resource activity; and
 - the resource activity is not likely to have a significant impact on the PAA in which it is located; and
 - the resource activity is not likely to have an impact on land owned by a person other than the land owner.

No formal written advice will be provided to applicants regarding whether an activity qualifies for an exemption under the RPI Act. If an applicant seeks confirmation that the activity can lawfully proceed, they can either—

- lodge an assessment application to obtain a regional interests development approval; or
- seek a declaration from the Planning and Environment Court under Section 78(1)(c) of the RPI Act.

What constitutes a significant impact?

A significant impact is an impact which is important, notable or of consequence, having regard to its context or intensity. Whether or not an activity is likely to have a significant impact on the PAA depends on the scale and the effect of the impact on the PAA.

The Australian Government Department of Climate Change, Energy, the Environment and Water's Matters of National Environmental Significance *Significant Impact Guidelines 1.1* provides guidance on what may constitute a 'significant impact' on a matter of national environmental significance under the *Environment Protection and Biodiversity Conservation Act 1999*. This guidance has been used to assist with understanding the exemption under Section 22 of the RPI Act.

To determine whether an activity is *likely* to have a significant impact, consideration needs to be given to the probability of the negative effects of the impact occurring. For example, to be 'likely', it is not necessary for a significant impact to have a greater than 50 per cent chance of happening; it is sufficient if a significant impact on the area of regional interest is a real and not a remote chance or possibility.

If there is scientific uncertainty about the impacts of an activity and potential impacts are serious or irreversible, the precautionary principle is applicable. Accordingly, a lack of scientific certainty about the potential impacts of an activity will not itself justify that the activity is not likely to have a significant impact on the area of regional interest.

One example of where an activity may be considered not likely to have a significant impact on a PAA may be where the activity will not:

- result in a decrease in the particular agricultural product supplied from the PAA or region
- result in a decrease in the PAA or region's ability to undertake a particular PALU in the future.

What constitutes an impact on land owned by a person other than the land owner?

An impact on land owned by a person, other than the land owner, may occur where the activity will affect or influence the suitability of the land in a PAA to be used for a PALU. For example, reduced overland flow which supplies water storage facilities and which is used in connection with a PALU.

Further information to assist with determining a significant impact on a PAA, and an impact on land owned by another person is provided in Appendices 1 and 2.

A land owner under the RPI Act includes:

- (a) the person for the time being entitled to receive the rent for the land or who would be entitled to receive the rent for it if it were let to a tenant at a rent; or
- (b) the lessee of a lease issued under the *Land Act 1994* for agricultural, grazing or pastoral purposes.

Note: the definition of land owner under the RPI Act is not as broad as the definition of landholder, which is a commonly used term under other frameworks, including the Land Access Framework. The Land Access Code defines “landholder” as meaning an owner or occupier of private or public land in the area of, or access land for, a resource authority.

Making an assessment application

An assessment application for a Regional Interests Development Approval is required to be made to the chief executive of the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) in the approved form. The RPI Act requires that the assessment application must be accompanied by a report and the applicable fee.

The report must assess the activity's impact on the PAA and identify any constraints on the configuration or operation of the activity. The activity's impact on the PAA will be assessed against the PAA Assessment Criteria.

A single application may seek approval for multiple activities across multiple areas of regional interest. In this instance, the application will need to address each applicable set of assessment criteria prescribed in Schedule 2 of the RPI Regulation. For example, if the proposed activity is located in the PAA as well as another area of regional interest, such as a Priority Living Area (PLA), different or additional requirements may apply.

For further information refer to *RPI Act Guideline 01/14 how to make an assessment application under the RPI Act*.

A pre-application meeting is strongly recommended to discuss a proposed activity that is located in an area of regional interest.

Please email RPIAct@dsdilgp.qld.gov.au or visit <https://planning.statedevelopment.qld.gov.au/planning-issues-and-interests/areas-of-regional-interest> for further information and to arrange a pre-application meeting with the Department of State Development, Infrastructure, Local Government and Planning.

Requirement for public notification

Public notification may be required for an application for a resource activity in a PAA. Where public notification is required, the chief executive will issue a requirement notice under Section 44(1)(c) of the Act.

Refer to *RPI Act Guideline 06/14 Notification Requirements under the RPI Act* for further information.

Referral of application

The RPI Regulation requires all applications for resource activities in a PAA to be referred to the Department of Agriculture and Fisheries (DAF) and in some instances the Department of Resources (DoR).

Applicability of the PAA Assessment Criteria

The PAA Assessment Criteria apply and will need to be addressed if an applicant proposes to locate an activity in a PAA.

Addressing the PAA Assessment Criteria

The PAA Assessment Criteria are made up of required outcomes and prescribed solutions. The PAA Assessment Criteria identify two required outcomes:

Required Outcome 1:

The activity will not result in a material impact on the use of the property for a PALU.

Required Outcome 2:

The activity will not result in a material impact on the region because of the activity’s impact on the use of land in the PAA for 1 or more PALUs.

The application only needs to demonstrate compliance with the relevant required outcome. Required Outcome 1 applies where the application is over one property. Required Outcome 2 applies where the application is over more than one property.

To meet the applicable required outcome of the PAA Assessment Criteria, the applicant must demonstrate how the prescribed solution is met. The prescribed solution is the only way to meet the required outcome.

Addressing the PAA Assessment Criteria

	1 Property	2 Properties
Required outcome	Required Outcome 1	Required Outcome 2
Prescribed solution	Table 1 or Table 2	Table 3

Table 1 and **Table 2** in this guideline provide guidance on how an applicant may address each prescribed solution for Required Outcome 1.

Table 3 provides guidance on how an applicant may address the prescribed solution for Required Outcome 2.

Table 1 Guidance on how to meet Prescribed Solution 1 for Required Outcome 1

Prescribed solution
<p>The application demonstrates the activity will not be located on land in a PAA that is used for a PALU.</p> <p>To demonstrate compliance, the applicant may provide evidence that is, and also evidence that is not, used for a PALU.</p> <p>As provided for in Schedule 2 of the RPI Regulation, land or a property used for a PALU means the land or property has, for at least three years during the 10 years immediately before an assessment application in relation to the land is made, been used for a PALU. This definition of ‘used’ for a PALU takes into account those periods during which the land is rested, managed or prepared a certain way to maintain its suitability for the PALU. It is necessary to recognise these land management processes which must be undertaken to sustain the PALU. For example:</p> <ul style="list-style-type: none"> • fallowing, to store soil moisture and nutrients and manage rainfall variability • cover crops, to protect bare soil against erosion, suppress weeds and improve soil fertility.

The key steps to determine whether land is used for a PALU are:

1. identify the properties that are impacted
2. identify the location of PALU on each property
3. determine the time period associated with each PALU.

The application should include shape files and relevant GIS data.

Refer to *RPI Act Guideline 07/14 How to identify a PALU* for more detail about these steps.

Table 2 Guidance on how to meet Prescribed Solution 2 for Required Outcome 1

PRESCRIBED SOLUTION

The application demonstrates—

- a) if the applicant is not the owner of the land and has not entered into a voluntary agreement with the owner—
 - (i) the applicant has taken all reasonable steps to consult and negotiate with the owner about the expected impacts of carrying out the activity on each PALU for which the land is used; and
 - (ii) carrying out the activity on the property will not result in a loss of more than 2 per cent of both—
 - (A) the land on the property used for a PALU; and
 - (B) the productive capacity of any PALU on the property.

To demonstrate compliance with the first part of this prescribed solution, the applicant should carry out the following steps:

- write to the landowner seeking a meeting to
 - explain the nature and extent of the proposed activity and the likely impacts from the proposed activity
 - discuss the nature of the activities conducted by the landowner on the land and the nature of the landowner's concerns
- consider the information provided by the landowner and provide the landowner with a written strategy for addressing the landowner's concerns
- provide sufficient time for the landowner to consider the strategy (e.g. a minimum of 20 business days)
- consider and respond in writing to any concerns raised by the landowner in relation to the strategy
- provide the landowner with sufficient time to consider the revised strategy (e.g. a minimum of 10 business days).

The applicant should then provide written documentation of the following with the application:

- the consultation and negotiation process
- the strategy proposed to the landowner by the applicant
- documentation of any concerns raised by the landowner about the strategy
- the revised strategy responding to the concerns raised by the landowner.

The following may assist:

<https://www.business.qld.gov.au/industry/csq-Ing-industry/csq-Ing-information-landholders/csq-land-access-laws/compensation-land-access>

For the second part of this prescribed solution, the loss of land used for a PALU should be calculated using the following steps:

- Identify the extent of the property with reference to the definition contained in the RPI Act

- Identify the area of land used for a priority agricultural land use on the property with reference to *RPI Act Guideline 07/14 How to identify a Priority Agricultural Land Use* (note, this may include land used for a PALU on the property that is not within the activity's footprint)
- Identify the area of impact for the proposed activity with reference to the PALU
- Calculate the area of land used for a PALU that will be lost, as a percentage of the PALU on the property.

'Area of impact' means the area in which the activity is proposed to be carried out, and where carrying out the activity is likely to have an impact. For the PAA, a resource activity has an impact if it affects PALU in the area.

The total area of impact may include, but is not limited to:

- the footprint of the activity (e.g. mine pits, spoil dumps, mine infrastructure, wells, cuttings, rail, roads, access tracks, lay down areas, camps, ancillary infrastructure, pipelines, power lines, service corridors)
- land used during either construction or operation
- buffer areas in which the carrying out or normal activities (e.g. the PALU) is precluded.

To demonstrate compliance with the prescribed solution, the application should include:

- calculations of area in hectares and as a percentage of the PALU
- site plans showing the area of impact in relation to the PALU.

The loss of productive capacity of a PALU may be calculated using one of a number of methodologies depending on

- the type of resource activity proposed
- the type of PALU impacted
- the information available to the applicant.

Any beneficial impacts resulting from the activity should be included in the assessment of productive capacity (e.g. access to additional irrigation water).

The key issues to be addressed are:

a) Changes to the conduct of the PALU.

For example, can existing farm equipment (e.g. a harvester) continue to be used to undertake the PALU? If not, what is the impact of replacing or retrofitting equipment to undertake the PALU post-impact?

Were changes such as the method used to undertake the PALU considered? For example, notwithstanding that the proposed footprint of a coal seam gas well may be located on the edge of a paddock, what is the impact to the current farming system? In a controlled traffic farming system this may include changes to management zones, operating width, field layout, tillage systems and GPS guidance equipment.

b) Changes to yield quantity or quality.

For example, is there likely to be a reduction in yield quantity because of, for example, increased competition by weeds for soil nutrients or waterlogging resulting from changes to the direction of a run to accommodate a resource activity?

Is there likely to be a reduction in yield quality because of, for example, increased traffic on tracks causing dust and reduced photosynthesis?

c) Changes to farm inputs.

For example, is increased fertiliser required following the redistribution of topsoil stockpiled for the period of the disturbance?

Is compaction of soil resulting from increased and uncontrolled traffic likely to lead to increased tillage of the soil to restore soil structure and reduce surface erosion?

Is subsidence of laser levelled paddocks likely?

d) Changes to operations.

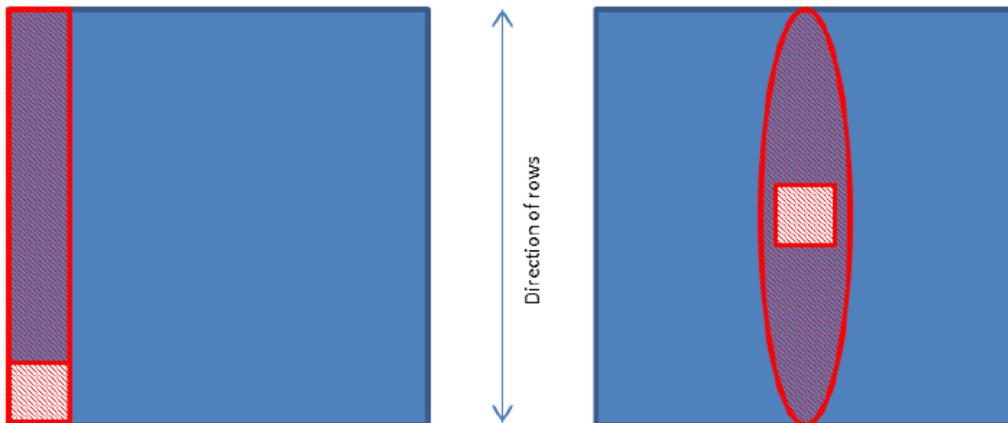
For example, will the activity limit the landowner’s ability to adopt new management practices (e.g. lateral move irrigation) or respond to market changes such as commodity prices by using the land for a different PALU?

e) Changes to the asset base.

For example, is there likely to be a reduction in the market value of the property? This may influence the landowner’s ability to leverage funds to invest in new capital or implement new/best management practices such as water-use efficiencies.

Is the utility of critical infrastructure (e.g. machinery shed, grain storage silo) retained?

It is necessary to consider the proposed activity in the context of direct and indirect impacts on the PALU. For example, a direct impact of a CSG well in a broadacre cropping scenario may be the footprint of the well itself. However, the CSG well may have a shadow impact on the PALU because of equipment limitations such as the width of the harvester or its turning circle, which render the shadow area unusable for the PALU. There may also be indirect impacts associated with the well, such as the increased inputs required on the balance area to maintain productive capacity. These impacts are illustrated in the figure below.



-  Direct impact (e.g. CSG well)
-  Impact shadow (e.g. area that may no longer be cropped)
-  Indirect impact (e.g. balance area on which production must be increased)

Example of direct and indirect impacts of a CSG well in a broadacre cropping scenario.

PRESCRIBED SOLUTION

The application demonstrates—

- b) the activity cannot be carried out on other land that is not used for a PALU, including, for example, land elsewhere on the property, on an adjacent property or at another nearby location

To demonstrate compliance, the applicant should detail what alternative sites were investigated, and why the alternative sites are not suitable.

The applicant may provide evidence to support the decision that the activity cannot be carried out elsewhere. Examples of evidence may include:

- a detailed map which shows at a macro scale (e.g. location of the resource) and at a micro scale (location of ancillary infrastructure used to service the activity) constraints alongside the footprint of the activity and the PALU
- the applicant's operational procedures/policies which state an activity must be carried out in a certain way, and justification that supports this requirement
- engineering and design requirements (including summary of seismic and/or geophysical analysis) and justification that supports this requirement.

PRESCRIBED SOLUTION

The application demonstrates—

- c) the construction and operation footprint of the activity on the part of the property used for a PALU is minimised to the greatest extent possible.

To demonstrate compliance, the applicant may provide an explanation of how the construction and operational footprint of the activity has been minimised.

The application should distinguish between impacts associated with construction and those associated with operation.

The application should also describe any changes to the construction and operation footprint that have been made to minimise the activity's impact on the PALU.

Footprint is defined as the area of land directly impacted by the construction and operation of the resource activity.

Examples of minimising the construction and operation footprint of an activity may include:

- locating infrastructure associated with the activity on land that is not used as a PALU (e.g. parking areas, dams, compression stations, access roads, stockpiles, laydown areas, water treatment plants, mine infrastructure areas)
- locating infrastructure associated with the activity in existing infrastructure corridors
- reducing the construction width of a right-of-way for a pipeline
- for a CSG well, using pad drilling
- locating CSG wells by the edge of farm paddocks and maximising spacing between wells
- increasing the depth to which activities are buried to allow greater opportunity for agricultural activities to continue over the top once restoration is complete
- minimising the size of well pads
- transport routes and linear infrastructure are aligned to the periphery of a PALU, rather than through the PALU.

Prescribed SOLUTION

The application demonstrates—

- d) the activity will not constrain, restrict or prevent the ongoing conduct on the property of a PALU, including, for example, everyday farm practices and an activity or infrastructure essential to the operation of a PALU on the property

To demonstrate compliance, the applicant may provide an explanation of how the everyday farm practices, or an activity or infrastructure that is essential to the operation of a PALU can continue. For example:

- existing infrastructure or features (for example, irrigation channels, windbreaks) are avoided or replaced
- there is no change to the overland flow characteristics where it is relied upon for the PALU (need to consider topography and levees)
- any legal or physical impediments to the operation of the PALU are avoided
- weed and pest management including, for example, unimpeded spraying, trapping and shooting.

Consider the area of impact for the activity which includes the area in which the activity is proposed to be carried out, and the area where carrying out the activity is likely to have an impact. For the Priority Agricultural Area, a resource activity has an impact if it affects a priority agricultural land use in the area.

The total area of impact which may include, but is not limited to

- the footprint of the activity e.g. wells, cuttings, rail, roads, access tracks, set down areas, camps, ancillary infrastructure, pipelines, power lines, service corridors
- land used during either construction or operation
- buffer areas in which the carrying out or normal activities (e.g. the PALU) is precluded.

The application may include:

- a site plan which shows disturbance to the existing methods of production (preparatory, farming and harvesting practices)
- a description of impacts categorised either as short-term (e.g. during construction, less than one season) or ongoing (i.e. requiring permanent change to the conduct of the PALU).

PRESCRIBED SOLUTION

The application demonstrates—

- (e) the activity is not likely to have a significant impact on the PAA

The applicant should consider whether, despite the fact that the activity is being carried out on one property, the activity is likely to have a significant impact on the PAA as a whole.

To demonstrate compliance, the applicant may provide information about how the activity on the property does not have a significant impact on the PAA in which it is located. For example:

- evidence that the impacted land or PALU will be returned to its pre-activity productive capacity following the carrying out of the activity
- evidence which supports that the everyday farm practices, or an activity or infrastructure that is essential to the productive capacity of the region, can continue
- evidence detailing how overland flows will be restored to pre-activity capacity in the PAA
- evidence which supports how existing infrastructure, including irrigation, will be restored.

Refer to Appendix 1 for further information to assist with determining a significant impact.

Consider the area of impact for the activity which includes the area in which the activity is proposed to be carried out, and the area where carrying out the activity is likely to have an impact. For the PAA, a resource activity has an impact if it affects a PALU in the area.

The total area of impact which may include, but is not limited to

- the footprint of the activity (e.g. wells, cuttings, rail, roads, access tracks, set down areas, camps, ancillary infrastructure, pipelines, power lines, service corridors)
- land used during either construction or operation
- buffer areas in which the carrying out or normal activities (e.g. the PALU) is precluded.

The Queensland Agricultural Land Audit includes regional industry profiles which describe the strengths, weaknesses, opportunities and threats to different industries in a region.

PRESCRIBED SOLUTION

The application demonstrates—

- (f) the activity is not likely to have an impact on the land owned by a person other than the applicant or the land owner mentioned in (a)

To demonstrate compliance, the applicant may provide an explanation of any likely impacts on the operation of a PALU on adjoining land that is owned by a different land owner to the land the subject of the application. To do this, the applicant will need to identify and understand the PALUs that exist on adjoining land and overland flow paths for the area. For example, ponding or the diversion or restriction of overland flow over land would constitute an impact.

The applicant should also demonstrate how these impacts will be avoided.

Consider the area of impact for the activity which includes:

- the area in which the activity is proposed to be carried out; and
- the area where carrying out the activity is likely to have an impact.

For the PAA, a resource activity has an impact if it affects a PALU in the area.

The total area of impact which may include, but is not limited to:

- the footprint of the activity (e.g. wells, cuttings, rail, roads, access tracks, set down areas, camps, ancillary infrastructure, pipelines, power lines, service corridors)
- land used during either construction or operation
- buffer areas in which the carrying out or normal activities (e.g. the PALU) is precluded.

Refer to Appendix 2 for further information to assist with determining impacts on land owned by another person.

Table 3 Guidance on how to meet the Prescribed Solution for Required Outcome 2

PRESCRIBED SOLUTION

The application demonstrates—

- (a) if the activity is to be carried out in a PAA identified in a regional plan—the regional outcomes and regional policies stated in the regional plan are adequately addressed

To demonstrate compliance, the applicant may provide an explanation of how the regional outcomes and policies stated in the relevant regional plan are met.

For example, where the activity is located within the Darling Downs region the following regional policies would need to be addressed:

1. protect priority agricultural land uses within priority agricultural areas
2. maximise opportunities for co-existence of resource and agricultural land uses within priority agricultural areas.

Coexistence may be achieved where the outcome:

- is mutually beneficial to both the agriculture and resource sectors
- will not cause agricultural activity to pause then restart in order to fit in with resource development schedules
- recognises and ensures the continual and ongoing agricultural production in areas affected by resource activities
- ensures that agricultural production is maintained and its capacity and values are enhanced
- ensures material impacts are compensated and mitigated
- provides positive flow-on effects for the agricultural supply chains in and out of the local or regional community.

PRESCRIBED SOLUTION

The application demonstrates—

- (b) the activity cannot be carried out on other land in the region that is not used for a PALU, including for example, land elsewhere on a property, on an adjacent property or at another nearby location

To demonstrate compliance, the applicant should detail what alternative sites were investigated, and why the alternative sites are not suitable.

The applicant may provide evidence to support that the activity cannot be carried out elsewhere. Examples of evidence may include:

- a detailed map which shows at a macro scale (e.g. location of the resource) and at a micro scale (location of ancillary infrastructure used to service the activity) constraints alongside the footprint of the activity and the PALU
- the applicant's operational procedures/policies which state an activity has to be carried out in a certain way and justification that supports this requirement
- engineering and design requirements (including summary of seismic and/or geophysical analysis) and justification that supports this requirement.

PRESCRIBED SOLUTION

The application demonstrates—

- (c) the construction and operation footprint of the activity on the area in the region used for a PALU is minimised to the greatest extent possible

To demonstrate compliance, the applicant may provide an explanation of how the construction and operational footprint of the activity has been minimised.

The application should distinguish between impacts associated with construction and those associated with operation.

The application should also describe any changes to the construction and operation footprint that have been made to minimise the activity's impact on the PALU.

Footprint is defined as the area of land directly impacted by the construction and operation of the resource activity.

Examples of minimising the construction and operation footprint of an activity may include:

- locating infrastructure associated with the activity on land that is not used as a PALU (e.g. parking areas, dams, compression stations, access roads, stockpiles, laydown areas, water treatment plants, mine industrial areas and impoundments)

- locating infrastructure associated with the activity in existing infrastructure corridors
- minimising the size of well pads
- transport routes and linear infrastructure is aligned to the periphery of a PALU, rather than through the PALU.

PRESCRIBED SOLUTION

The application demonstrates—

- (d) the activity will not result in widespread or irreversible impacts on the future use of an area in the region for 1 or more PALUs

To demonstrate compliance, the applicant may provide evidence to show that the productive capacity of the region does not experience negative widespread or irreversible impacts.

For example, a widespread or irreversible impact on the future use of a PAA for one or more PALUs may occur if:

- the activity causes a significant reduction in the raw product supplied to, for example, a mill or gin in the region to such an extent that the mill or gin may become unviable, leading to flow on effects for other PALUs
- subsidence occurs over a number of properties
- the catchment for a major irrigation dam is altered, changing the availability of water used for a PALU.

Examples of how to demonstrate that there will be no negative widespread or irreversible impact:

- evidence that the land will be returned to its pre-activity productive capacity following the carrying out of the activity
- the everyday farm practices, or an activity or infrastructure that is essential to the productive capacity of the region, can continue
- evidence how overland flows will be restored to pre-activity capacity in the PAA
- existing infrastructure, including irrigation, has been restored in the PAA
- measures to ensure the net replenishment of a regionally significant water source have been approved by DNRME
- additional infrastructure to be provided to improve productive capacity.

PRESCRIBED SOLUTION

The application demonstrates—

- (e) the activity will not constrain, restrict or prevent the ongoing use of an area in the region for 1 or more PALUs, including for example, infrastructure essential to the operation of a PALU

To demonstrate compliance, the applicant will need to demonstrate that its activities will not constrain, restrict or prevent the ongoing or future use of an area in the region for a PALU.

The Queensland Agricultural Land Audit includes regional industry profiles which describe the strengths, weaknesses, opportunities and threats to different industries in a region.

Consider whether:

- existing infrastructure or features (for example, irrigation channels, windbreaks) are avoided or replaced
- there is any change to the overland flow characteristics where it is relied upon for the PALU (need to consider topography and levees)
- any legal or physical impediments to the operation of the PALU are avoided
- weed and pest management activities can continue, for example, unimpeded spraying, trapping and shooting.

Consider the area of impact for the activity which includes: the area in which the activity is proposed to be carried out; and the area where carrying out the activity is likely to have an impact. For the PAA, a resource activity has an impact if it affects a PALU in the area.

The total area of impact which may include, but is not limited to

- the footprint of the activity e.g. wells, cuttings, rail, roads, access tracks, set down areas, camps, ancillary infrastructure, pipelines, power lines, service corridors
- land used during either construction or operation
- buffer areas in which the carrying out or normal activities (e.g. the PALU) is precluded.

The application may include:

- site plan which shows disturbance to the existing methods of production (preparatory, farming and harvesting practices)
- a description of impacts, categorised as either short-term (e.g. during construction, less than one season) or ongoing (i.e. requiring permanent change to the conduct of the PALU).

PRESCRIBED SOLUTION

The application demonstrates—

- (f) the applicant has in place a strategy or plan for managing CSG water or associated water that provides for the net replenishment of the regionally significant water source

This prescribed solution will only apply if the activity is to be carried out in a PAA that includes a regionally significant water source (as prescribed in the RPI Regulation) and if:

- the activity is to be carried out under an authority to prospect or a petroleum lease under the *Petroleum and Gas (Production and Safety) Act 2004* and the activity is likely to produce CSG water; or
- the activity is to be carried out under a mineral development licence or a mining lease under the *Mineral Resources Act 1989* and the activity is likely to produce associated water.

For a CSG activity, in achieving net replenishment, an applicant could demonstrate in a strategy or otherwise (as an example):

- the waste water taken as a result of the activity can be approved as a resource under the *Waste Reduction and Recycling Act 2011* and beneficially used
- they can operate in accordance with the conditions of the notice for General Beneficial Use Approval - Irrigation of Associated Water (including coal seam gas water) issued under the *Waste Reduction and Recycling Act 2011*
- they are operating under the statutory notice, Decision to Approve a Resource for Beneficial Use - Associated Water which was in effect prior to the notice for General Beneficial Use Approval - Irrigation of Associated Water (including coal seam gas water)
- a specific beneficial use approval for the CSG water has been obtained in accordance with the provisions of the *Waste Reduction and Recycling Act 2011*

An applicant may wish to liaise with Office of Groundwater Impact Assessment (OGIA) about the impact of their project on the Condamine Alluvium and to identify the volume of net replenishment required to be achieved.

For a mining activity, an applicant may submit groundwater impact reports or assessments completed as part of the project EIS provided the report or assessment includes the following information:

- the impact the activity or wider project will have on groundwater and the regionally significant water source
- how the impact on the regionally significant water source is proposed to be appropriately mitigated
- how the proposed mitigation will benefit the net replenishment of the regionally significant water source.

PRESCRIBED SOLUTION

Where the applicant is not the owner of the land and has not entered into a voluntary agreement with the owner, the application demonstrates—

(g) the matters listed in Tables 1 and 2

Refer to **Tables 1 and 2** for guidance on how to demonstrate compliance

Further information

Visit: <https://planning.statedevelopment.qld.gov.au/planning-issues-and-interests/areas-of-regional-interest>

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Appendix 1: Considerations for significant impact on a PAA

The following considerations are intended to provide guidance to assist applicants to understand whether or not an activity is likely to have a significant impact on the PAA. They are not intended to be exhaustive or definitive.

1. Will the activity be of consequence to the region?

Consider if the activity will:

- change the levels of production from a proven highly productive agricultural area, such as a reduction in the processing of a raw product. The following sources may be used to assist applicants identify production in a region:
 - The Queensland Agricultural Land Audit is a key reference tool covering the 12 land-use planning regions in Queensland, which analyses opportunities and constraints for each region including current and potential agricultural land use, infrastructure, logistics and planning processes. The Audit information can also be accessed through:
 - Web-based agricultural land information (WALI) – a web mapping tool which contains all of the Audit datasets and other complimentary datasets.
 - Agricultural Values Assessment (AVA) – an automated, geo-referenced report that can be prepared for a 25km radius from a central coordinate (longitude and latitude).
 - Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) data.
- change the likelihood of, and effect on, constraints and threats that may already exist for a region (refer to constraints and threats outlined for the Agricultural Land Audit as a guide).
- change the viability or utility of infrastructure on which the PAA may rely.
- limit the scope of agriculture to adapt to changing markets and management practices. For example, CSG activities on a property may limit the ability for the landowner to adopt new technology or farming practices such as water use efficiency.
- Change the availability or utility of supply chain infrastructure (e.g. rail, road, cane rail, airport, port).

2. Will the activity be of consequence to the specific PALU being impacted?

Consider if the activity will:

- impact a PALU which has limited scope to modify its management practices in response to the activity. For example:
 - an activity in a laser levelled paddock may significantly alter the overland flow for the area, and subsequently impact the profitability of a crop.
- have negative flow-on effects to a PALU elsewhere in the PAA for example effects caused by the interruption of processing facilities due to a drop in regional production of a crop
- disrupt the land management regime (e.g. crop rotation, fallow) adopted to manage the land for a PALU
- disrupt the conduct of a PALU including inputs such as water or fertiliser; or outputs such as the quantity or quality of a crop; or the supply chain network (roads, rail, port facilities) to fresh or export markets.

3. Will the timing and duration of the activity be of consequence to agriculture?

Consider:

- The production cycle of the PALU being impacted, for example impacts on timing where there is a limited production season.
- Opportunities to shorten the duration of the resource activity to better align with the agricultural production seasons.

Appendix 2: Considerations for impact on land owned by another land owner

The following considerations are intended to provide guidance to assist applicants to understand whether or not an activity likely to have an impact on land owned by another person other than the land owner. They are not intended to be exhaustive or definitive.

1. Will the activity result in any changes to inputs required for PALUs in the PAA?

Consider:

- where the activity is located in the PAA in the Darling Downs region which overlies the Condamine Alluvium, whether the activity will disrupt or change the supply of water available from the Condamine Alluvium to PALU's in the PAA?
- will the activity disrupt or change overland flow paths in the immediate or surrounding area that are relied upon for PALUs in the PAA?
- will the activity impact on any management practices for nearby PALUs?

2. Will the activity impact any infrastructure within the PAA that is relied on by PALUs?

Consider if the activity will disrupt or change the operation of agricultural infrastructure located within the PAA:

- supply chain routes (e.g. rail, road, cane rail, airport, port)
- processing facilities (e.g. cotton gin, sugar mill, saw mill)

An Agricultural Values Assessment (AVA) can assist with identifying potential supply chain routes and processing facilities.



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